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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/675,419	09/29/2000	Frederick M. Morgan	C1104/7073	9659

7590 02/22/2002

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EXAMINER

KAO, CHIH CHENG G

ART UNIT

PAPER NUMBER

2882

DATE MAILED: 02/22/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/675,419

Applicant(s)

MORGAN ET AL.

Examiner

Chih-Cheng Glen Kao

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-37 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-37 is/are rejected.
- 7) ☒ Claim(s) 2 and 34 is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 29 September 2000 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on ____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
If approved, corrected drawings are required in reply to this Office action.
- 12) ☒ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☒ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). ____
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 4, 6, 7. 6) ☐ Other: _____

DETAILED ACTION

Oath/Declaration

1. The oath or declaration is defective. A new oath or declaration in compliance with 37 CFR 1.67(a) identifying this application by application number and filing date is required. See MPEP §§ 602.01 and 602.02.

The oath or declaration is defective because:

The specification to which the oath or declaration is directed has not been adequately identified. See MPEP § 601.01(a).

It does not identify the citizenship of each inventor.

It does not identify the mailing or post office address of each inventor. A mailing or post office address is an address at which an inventor customarily receives his or her mail and may be either a home or business address. The mailing or post office address should include the ZIP Code designation. The mailing or post office address may be provided in an application data sheet or a supplemental oath or declaration. See 37 CFR 1.63(c) and 37 CFR 1.76.

Specification

The specification is objected to for the following informalities:

2. The phrase “an LED 13 or multiple LEDs 13” is recited on Page 5, line 31, as one example is objected. A reference character cannot be used to designate two different elements. An LED is considered structurally different to multiple LEDs. The Examiner kindly asks the Applicant to make the required appropriate corrections to all instances regarding multiple LEDs referred to character 13 in the specification.

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3. The phrase "a memory mechanism 16" recited on Page 7, line 5 is objected. The same memory mechanism is labeled as reference character 17 as seen on line 7 or the same page. This objection may be obviated by deleting "16" on Page 7, line 5, and inserting --17--.

4. The phrase "a memory chip 16" recited on Page 9, line 11 is objected. Reference number 16 refers to housing. This objection may be obviated by deleting "a memory chip 16" on Page 9, line 11, and inserting --a memory mechanism 17, such as a memory chip--.

5. The phrase "if the has been" is recited on Page 9, line 25 is objected. This objection may be obviated by deleting "the", and inserting --there-- to correct the grammatical error.

6. The phrase "the photosensor 14" is recited on Page 10, lines 17-19. Reference character 14 refers to Figure 1, not Figure 4. This objection may be obviated by deleting "14" on Page 10, lines 17-19, and inserting --43--.

Drawings

7. The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the "multiple LEDs" must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

A proposed drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

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8. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(4) because reference characters "12", "13", "17", and "18" have all been used to designate the LED. The memory mechanism, LED, opening, and support cannot be distinguished from each other in the present drawing filed September 29, 2000. A proposed drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

9. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(3) because all letters must measure at least .32 cm. (1/8 inch) in height. Secondly, letters should not cross or mingle with lines as seen in Figures 2 and 6. A proposed drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance. Lastly, the Examiner kindly suggests that all letters be printed rather than cursive for easier reading.

10. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(4) because reference characters "44" and "49" have both been used to designate a receiver in Figure 4. A proposed drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

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11. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(4) because reference characters "41" and "491" have both been used to designate a support in Figure 4. A proposed drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

Claim Objections

12. Claim 2 is objected to because of the following informality. The phrase "the support is can accommodate" as recited in line 1 of claim 2 is objected. This objection may be obviated by deleting "is". For purposes of examination, the claim has been treated as such. Appropriate correction is required.

13. Claim 34 is objected to for the following informality. The limitation "the relative value" in line 2 of claim 34 is recited. There is insufficient antecedent basis for this limitation in the claim. This objection may be obviated by changing the dependency of claim 34 from claim 30 to claim 33. For purposes of examination, the claim has been treated as such.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

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14. Claims 1, 2, 7, 8, 12, 13, 15-17, 21-27, and 29-35 are rejected under 35 U.S.C. 102(b) as being anticipated by Eberly et al. (US Patent 5,073,029). Eberly et al. discloses a system and method for calibrating a light –emitting diode (LED) comprising: a support to accommodate an LED or multiple LEDs (Fig. 5, #1), a photosensor (Fig. 5, #7), a wire-connected processor (Fig. 2) to formulate a calibration value (col. 8 lines 67-68, to col. 9, lines 1-6), from an adjustment of the output against a reference value (col. 8, lines 58-67), such that the calibration permits the subsequent light output to approximate an output according to the reference value (col. 9, lines 6-17), a memory mechanism, interface, and display (col. 6, lines 30-49).

15. Claims 30, 36, and 37 are rejected under 35 U.S.C. 102(b) as being anticipated by Lebens et al. (US Patent 6,095,661). Lebens et al. discloses method of color calibrating light comprising: generating output for measurement (col. 8, lines 43-46), comparing the output to a reference value (col. 8, line 47), and formulating a calibration value that permits subsequent light output to approximate an output accorded to the reference value (col. 8, lines 46-49) to adjust color (col. 8, lines 50-53), overall hue, or whiteness (col. 9, lines 45-51).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

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16. Claims 3, 4, 14, and 28 are rejected under 35 U.S.C. 103(a) as being unpatentable over Eberly et al. as respectively applied to claim 1, 7, and 25 above.

17. Regarding claims 3 and 4, Eberly et al. discloses a system and method as recited above. However, Eberly et al. does not seem to specifically disclose an enclosed member.

Eberly et al. further discloses a light excluding door and significant exclusion of stray ambient light (col. 12, lines 16-19).

It would have been obvious, to one having ordinary skill in the art at the time the invention was made, to have an enclosed member with the system of Eberly et al., which is explained with motivation as follows. Although, an enclosed member does not seem to be specifically disclosed, an enclosed member is implied, since the only light that enters the system is through the door when it is opened as seen in Figures 3-11. One would be motivated to have an enclosed member by shutting the door to have a significant exclusion of stray ambient light for to obtain an accurate signal from the low light-emitting diode (col. 12, lines 16-19).

18. Regarding claim 14, Eberly et al. suggests a device as recited above. However, Eberly et al. does not seem to specifically disclose a second memory mechanism.

It would have been obvious, to one having ordinary skill in the art at the time the invention was made, to have a second memory mechanism with the suggested device of Eberly et al., since it would have only involved routine skill in the art to duplicate the essential working parts of a device. One would be motivated to have a second memory mechanism for ease of troubleshooting. If the device were to fail, one could easily troubleshoot the device to check to

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see if an output from the LED was recorded in the second memory mechanism. If no errors were found in the second memory mechanism, the processor can then be analyzed for errors.

19. Regarding claim 28, Eberly et al. suggests a device as recited above. However, Eberly et al. does not seem to specifically disclose a calibration activation mechanism.

It would have been obvious, to one having ordinary skill in the art at the time the invention was made, to have a calibration activation mechanism with the device of Eberly et al., since providing an automatic means to replace manual activity which has accomplished the same result involve only routine skill in the art. One would be motivated to have a calibration activation mechanism, as opposed to one that was done manually by the user (col. 6, lines 40-49), to save time and reduce human error when the user forgets to calibrate the LED.

20. Claims 5, 6, 9-11, and 18-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Eberly et al. as respectively applied to claims 3, 7, and 16 above, and further in view of Parker (McGraw-Hill Dictionary of Scientific and Technical Terms). Eberly et al. suggests a system and method as recited above. However, Eberly et al. does not seem to specifically disclose wireless radio communication.

Parker teaches that wireless radio communication is one conventional type of transmission (Page 2058, definition of "transmission"). The Examiner takes Official Notice that wireless communications conventionally uses transmitters and receivers.

It would have been obvious, to one having ordinary skill in the art at the time the invention was made, to have wireless radio communication of Parker with transmitters and

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receivers and with the suggested system and method of Eberly et al., since wireless transmission with transmitters and receivers is considered functionally equivalent to wires in that they both transmit a signal as shown by Parker (Page 2058). It would have only involved routine skill in the art to substitute wires, for a wireless communicational means. Lastly, wireless communications is only a means to construct a formerly integral structure in various elements, which have been obvious to one having ordinary skill in the art. One would be motivated to have wireless communications to create an interface such as a remote computer (col. 6, lines 29) that can be set up as a workstation, while making the device free from distance constraints of a wire.

Conclusion


Any inquiry concerning this communication or earlier communications from the examiner should be directed to Chih-Cheng Glen Kao whose telephone number is (703) 605-5298. The examiner can normally be reached on M - Th (8 am to 5 pm).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Robert Kim can be reached on (703) 305-3492. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 308-7722 for regular communications and (703) 308-7724 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-0956.



gk
February 18, 2002



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